



# Focus

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## Surface Water Use in Washington

### **Background**

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The Department of Ecology, through its Water Resources Program, issues water rights and administers state water resource laws. Through administration of these laws, Ecology promotes the beneficial use of the state's water resources for the protection of public health and preservation of its natural resources and aesthetic values.

A water right **permit** or **certificate** is a legal authorization to use a specified amount of water, subject to provisions, for specific beneficial purposes. Some of these purposes include domestic use, irrigation, commercial or industrial uses, fish or wildlife projects, and hydropower.

**A water right is required for all uses of surface water (lakes, ponds, rivers, streams or springs). A water right is also required for ground water withdrawals of more than 5,000 gallons per day or irrigation of more than one-half acre of non-commercial lawn or garden.**

A water right claim is not a water right. A water right claim is a statement by the property owner regarding a water use not authorized by a permit or certificate. A claim may represent a valid water right if it describes a surface water use that began before 1917 or a ground water use that began before 1945, and the water use has been continuous.

### **Surface Water Supply Conditions**

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As a result of increased water withdrawals, many streams and tributaries in the state have experienced low flows. Stream habitat has been degraded by this reduction in streamflow, as well as by storm runoff from logged areas, agriculture, and urban development. Low summer flows in both the mainstem and tributaries of some of these creeks is the limiting factor to maintaining or improving fish-rearing habitat. These low flows also limit the use of water by persons having a water right.

### **Enforcement Projects**

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Each of Ecology's regional offices are initiating extensive educational activities involving water rights, including the enforcement of water rights. Mass informational mailings, public meetings and individual guidance will play a key role in providing this important information.

Through basin enforcement projects each regional office will encourage voluntary compliance with state water laws and regulations, and will encourage voluntary compliance with provisions that are specified in individual water rights.

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Important topics to note are:

- **Water right permits and certificates.** Persons withdrawing water authorized by permit or certificate will be informed of the specific uses, amounts, and any restrictions that pertain to their individual water right. Special attention will be given to the following:

**Provisioned water rights.** Persons having water rights which limit water use to a set amount, a set time, or have low flow provisions, will be informed of those restrictions and asked to voluntarily comply. Additional action will be taken if voluntary compliance fails.

**Non-use of a water right.** Persons using less than the total amount authorized in their water right, or not using any of the water allocated by a water right, will be asked to voluntarily relinquish part or all of the water right back to the state.

- **Claims to use of surface water prior to 1917.** Persons withdrawing water without a water right permit or certificate, but who have claim registrations, will be asked to support the water right claim with sufficient evidence to satisfy the Department of Ecology that a valid water right would be confirmed.

- **Unauthorized surface water use.** Persons withdrawing water without a water right or a supported water right claim, will be asked to voluntarily cease withdrawals. This will be handled on a case-by-case basis and no determinations of unauthorized use will be made until all available information has been submitted and analyzed. Additional action will be taken if voluntary compliance fails.

Water rights and water uses must be actively managed to protect and enhance water resources in the state. By law, Ecology must ensure compliance with water right regulations to protect instream flows and senior water rights. Your interest and cooperation in this effort are greatly appreciated.

## For More Information

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Many of the topics mentioned **in this** FOCUS sheet have been explained **in greater detail in** separate information sheets. Some of these are listed below with a publication number for your convenience:

Water Rights in Washington - Q-WR-92-105

Water Right Permit Exemption - F-WR-92-104

Water Resources Enforcement - Q-WR-92

Capture and Reuse of Irrigation Water - F-WR-92-108

You may request any of the above publications from the regional office nearest you.

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